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UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 3:11-70238 MAG
	)	
Plaintiff,	)	AMENDED <del>PROPOSED</del> ORDER AND
	)	STIPULATION TO CONTINUE
v.	)	HEARING DATE TO MAY 1, 2012 AND
	)	TO EXCLUDE TIME UNDER
MICHAEL DUPREE BROWN,	)	THE SPEEDY TRIAL ACT
	)	
Defendant.	)	
	)	

The above-captioned matter is set on March 6, 2012 before this Court for a status hearing. The parties request, however, that the matter be continued to May 1, 2012 and that time be excluded pursuant to 18 U.S.C. § 3161(b) between March 6, 2012 and May 1, 2012 for the reasons stated below.

Defendant is presently charged in a criminal complaint with violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), 18 U.S.C. § 924(c), and 18 U.S.C. § 922(g)(1). Defendant has previously waived his right to a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5 (Docket No. 10), and has previously agreed to exclude time within which to be charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b). Additionally, defendant

1 is currently serving a ten-year federal prison sentence imposed in case no. CR-10-00176 PJH.

2 The United States Marshals Service notified undersigned counsel today that the  
3 Defendant would not be present at his scheduled March 6, 2012 court appearance because he had  
4 not yet been transferred to the Northern District of California from the Federal Correctional  
5 Institution in Lompoc, CA. Moreover, discovery needs to be provided to defense counsel, and  
6 defense counsel needs time to review and analyze the discovery and to discuss the same with  
7 defendant. Both parties need additional time to review the discovery in this case, to effectively  
8 prepare for future hearings, and/or to attempt to negotiate a pre-indictment resolution. The  
9 parties anticipate that a resolution of this matter (as well as the Form 12 pending before Judge  
10 Wilken based on the same underlying conduct) will be reached prior to the May 1, 2012  
11 appearance. The Defendant agrees to continue to exclude time within which to be charged by  
12 Indictment or Information pursuant to 18 U.S.C. § 3161(b) from March 6, 2012 to May 1, 2012.  
13 The Court finds good cause for excluding the time period for a preliminary hearing under Rule  
14 5.1.

15 Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing  
16 before the duty magistrate judge on May 1, 2012, at 9:30 a.m., and (2) orders that the period  
17 from March 6, 2012 to May 1, 2012, be excluded from Speedy Trial Act calculations under  
18 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

19  
20 IT IS SO STIPULATED:

21 DATED: March 7, 2012

\_\_\_\_\_/s/  
GARRICK S. LEW  
Attorney for Defendant

22  
23  
24 DATED: March 7, 2012

\_\_\_\_\_/s/  
RANDY S. LUSKEY  
Assistant United States Attorney

25  
26  
27 IT IS SO ORDERED.

28 DATED: March 8, 2012

  
\_\_\_\_\_  
LAUREL BEELER  
United States Magistrate Judge